

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MARK A. MARKUSSEN,

No. 4:14-cv-05013-EFS

Plaintiff,

ORDER RE-OPENING CASE AND  
GRANTING PLAINTIFF AN EXTENSION  
OF TIME TO AMEND OR VOLUNTARILY  
DISMISS

V.

STATE OF WASHINGTON,

Defendant.

13 BEFORE THE COURT is Mr. Markussen's letter dated August 10,  
14 2014. By Order filed July 1, 2014, the Court dismissed this action  
15 for failure to state a claim upon which relief may be granted, ECF No.  
16 8. Plaintiff had failed to amend his complaint as directed or to  
17 voluntarily dismiss. Judgment was entered the same day, ECF No. 9.

18 In his letter, Mr. Markussen contends that he had amended his  
19 complaint more than 45 days ago, and that such amended complaint  
20 included "22 pages of [his] claim and relief." The Court has no  
21 record of having received a First Amended Complaint from Mr. Markussen  
22 in this action.

Because Plaintiff is proceeding *pro se*, the Court will liberally construe his submission as a Motion for Reconsideration, although it would be considered untimely under Rule 59(e), Federal Rules of Civil Procedure. Nevertheless, in an abundance of caution, the Court finds

1 that it is appropriate to alter the prior ruling and to allow Mr.  
2 Markussen to re-submit his First Amended Complaint. Therefore, **IT IS**  
3 **ORDERED:**

4 (1) The District Court Executive shall **RE-OPEN** this case,  
5 **STRIKE** the Order Dismissing Complaint, ECF No. 8, **STRIKE** the Judgment,  
6 ECF No. 9, and **REMOVE** the 1915(g) designation from this action;

7 (2) Plaintiff shall file his First Amended Complaint within  
8 **thirty (30) days** of the date of this Order;

9 (3) The District Court Executive shall provide Plaintiff  
10 with a copy of the Order to Amend or Voluntarily Dismiss, along with  
11 the form Motion to Voluntarily Dismiss, ECF No. 7. The District Court  
12 Executive shall also provide a Civil Rights Complaint form.

13 (4) Plaintiff is advised if he wishes to make any further  
14 requests of the Court, he must do so in the form of a motion which is  
15 properly noted for hearing as required by LR 7.1(h), Local Rules for  
16 the Eastern District of Washington.

17 (5) Failure to amend or voluntarily dismiss within this  
18 thirty day timeframe will result in the dismissal of this action as  
19 previously set forth in the Order to Amend or Voluntarily Dismiss.

20 **IT IS SO ORDERED.** The District Court Executive is directed to  
21 enter this Order, provide a copy to Plaintiff and SET A CASE  
22 MANAGEMENT DEADLINE ACCORDINGLY.

23 **DATED** this 15<sup>th</sup> day of August 2014.

24 \_\_\_\_\_  
25 s/Edward F. Shea  
26 EDWARD F. SHEA  
Senior United States District Judge